

AMENDMENTS TO LB 906

Introduced by General Affairs.

1           1. Strike the original sections and insert the following  
2 new sections:

3           Section 1. Section 53-133, Revised Statutes Cumulative  
4 Supplement, 2008, is amended to read:

5           53-133 (1) The commission shall set for hearing before  
6 it any application for a retail license, craft brewery license, or  
7 microdistillery license relative to which it has received:

8           (a) Within forty-five days after the date of receipt  
9 of such application by the city, village, or county clerk, a  
10 recommendation of denial from the city, village, or county;

11           (b) Within ten days after the receipt of a recommendation  
12 from the city, village, or county, or, if no recommendation is  
13 received, within forty-five days after the date of receipt of  
14 such application by the city, village, or county clerk, objections  
15 in writing by not less than three persons residing within such  
16 city, village, or county, protesting the issuance of the license.  
17 Withdrawal of the protest does not prohibit the commission from  
18 conducting a hearing based upon the protest as originally filed and  
19 making an independent finding as to whether the license should or  
20 should not be issued; ~~or~~

21           (c) Within forty-five days after the date of receipt of  
22 such application by the city, village, or county clerk, objections  
23 by the commission or any duly appointed employee of the commission,

1 protesting the issuance of the license; or-

2 (d) An indication on the application that the location of  
3 a proposed retail establishment is within one hundred fifty feet of  
4 a church as described in subsection (2) of section 53-177.

5 (2) Hearings upon such applications shall be in the  
6 following manner: Notice indicating the time and place of such  
7 hearing shall be mailed to the applicant, the local governing body,  
8 ~~and~~ each individual protesting a license pursuant to subdivision  
9 (1) (b) of this section, and any church affected as described in  
10 subdivision (1) (d) of this section, by certified mail, return  
11 receipt requested, at least fifteen days prior to such hearing.  
12 The notice shall state that the commission will receive evidence  
13 for the purpose of determining whether to approve or deny the  
14 application. Mailing to the attorney of record of a party shall be  
15 deemed to fulfill the purposes of this section. The commission may  
16 receive evidence, including testimony and documentary evidence, and  
17 may hear and question witnesses concerning the application.

18 Sec. 2. Section 53-177, Revised Statutes Supplement,  
19 2009, is amended to read:

20 53-177 (1) ~~No~~ Except as otherwise provided in subsection  
21 (2) of this section, no license shall be issued for the sale at  
22 retail of any alcoholic liquor within one hundred ~~and~~ fifty feet of  
23 any church, school, hospital, or home for aged or indigent persons  
24 or for veterans, their wives or children. This prohibition does not  
25 apply (a) to any location within such distance of one hundred ~~and~~  
26 fifty feet for which a license to sell alcoholic liquor at retail  
27 has been granted by the Nebraska Liquor Control Commission for two

1 years continuously prior to making of application for license and  
2 (b) to hotels offering restaurant service, to regularly organized  
3 clubs, or to restaurants, food shops, or other places where sale of  
4 alcoholic liquor is not the principal business carried on, if such  
5 place of business so exempted was established for such purposes  
6 prior to May 24, 1935.

7 (2) If a proposed location for the sale at retail of  
8 any alcoholic liquor is within one hundred fifty feet of any  
9 church, a license may be issued if the commission gives notice to  
10 the affected church and holds a hearing as prescribed in section  
11 53-133.

12 ~~(2)~~ (3) No alcoholic liquor, other than beer, shall be  
13 sold for consumption on the premises within three hundred feet from  
14 the campus of any college or university in the state, except that  
15 this section:

16 (a) Does not prohibit a nonpublic college or university  
17 from contracting with an individual or corporation holding a  
18 license to sell alcoholic liquor at retail for the purpose of  
19 selling alcoholic liquor at retail on the campus of such college  
20 or university at events sanctioned by such college or university  
21 but does prohibit the sale of alcoholic liquor at retail by such  
22 licensee on the campus of such nonpublic college or university at  
23 student activities or events; and

24 (b) Does not prohibit sales of alcoholic liquor by a  
25 community college culinary education program pursuant to section  
26 53-124.15.

27 Sec. 3. Original section 53-133, Revised Statutes

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- 1 Cumulative Supplement, 2008, and section 53-177, Revised Statutes
- 2 Supplement, 2009, are repealed.